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OFFICE OF PETITIONS

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In re Application of	:	
Marco Steiger, et. al.	:	
Application No. 09/917,998	:	DECISION ON PETITION
Filed: July 30, 2001	:	
Attorney Docket No. G 3752	:	

This is a decision on the petition under 37 CFR 1.181 (no fee) filed on October 17, 2006, requesting withdrawal of the holding of abandonment in the above-identified application.

This application was held abandoned for failure to timely respond to the non-final Office action mailed July 1, 2005. A Notice of Abandonment was mailed on August 28, 2006.

Petitioner states that a reply was timely sent to the Office on December 30, 2005, but was directed to the wrong application number.

The Office concurs with petitioner, in that, a response was timely submitted to the Office on January 3, 2006¹, but the documents contained the wrong application number; and as a result, the response was incorrectly matched to continuing application No. 09/123,759.

Further, continuing application No. 09/123,759 was expressly abandoned on November 29, 2001. Therefore, it is clear that the amendment and \$1,020 for a three (3) month extension of time filed on January 3, 2006 was not intended for the continuing application.

Under current Office procedure, if a paper contains the incorrect application number, but contains sufficient information to identify the correct

¹ The amendment and three (3) month extension of time filed on January 3, 2006, contained a Certificate of Mailing under 37 CFR 1.10 dated December 30, 2005.

application and was timely filed, the holding of abandonment will be withdrawn. In reviewing the papers submitted, it is concluded that the information contained thereon (i.e., inventor's name and title of invention) was sufficient to associate the papers with the above-identified application.

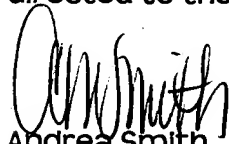
In view of the above, the petition is **GRANTED**. Accordingly, the holding of abandonment for failure to timely file a reply to the non-final Office action mailed July 1, 2005, is hereby withdrawn and the application is restored to pending status.

Petitioner is cautioned to ensure that the correct identifying data appears on all correspondence submitted to the USPTO to avoid situations of the nature which occurred in the present application.

Finance records show that petitioner submitted a credit card authorization in the amount of \$1,020 for a three (3) month extension of time on September 25, 2006, for application No. 09/123,759. Since this application was expressly abandoned, the \$1,020 extension of time fee is unnecessary and will be credited back to petitioner's credit card, in due course.

This application file is being referred to Technology Center Art Unit 3723, for consideration of the response filed on January 3, 2006.

Telephone inquiries regarding this decision should be directed to Andrea Smith at (571) 272-3226. Questions concerning the processing of the application should be directed to the Technology Center.

A handwritten signature in black ink, appearing to read 'Andrea Smith', is written over the printed name.

Andrea Smith
Petitions Examiner
Office of Petitions